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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,972	03/31/2000	Boris S. Elman	99-837	2133

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 05/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/539,972

Applicant(s)

ELMAN ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 16, 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-8, 16, and 17, are pending in this examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahearn et al. (USPN 5,926,463) (hereinafter Ahearn).

3. Referring to claim 1, Ahearn discloses a method for network management comprising the steps, performed by a processor, of:

receiving identification data (source address) corresponding to a customer (user) in a network (Figure 2C and pertinent portions of the disclosure);

accessing a database for stored information corresponding to the customer identification data (e.g. abstract, col. 3, lines 5-15); and

providing actual circuit path information corresponding to a customer service based on the stored information, wherein the actual circuit path information is used to

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generate a graphical representation (GUI) of heterogeneous network components (nodes, switches, routers, etc.) supporting a specific service for the customer (Figures 1, 3, 4, 8; col. 16, lines 37-48).

4. Claim 16 is rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims *** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahearn in view of Andersson et al. (USPN 6,163,544) (hereinafter Andersson).

6. Referring to claim 2, Ahearn discloses a method for managing a network as stated in the claims above. Ahearn does not necessarily state that the database stores information according to a generic information model. Andersson discloses a network manager that stores information in a database according to a generic information model (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Anderson with Ahearn to provide for

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reduced complexity of the system while allowing for the ease of future upgrades or replacements.

7. Claim 3 is rejected for similar reasons as stated above. Furthermore Ahearn discloses populating a database with network component information (col. 16, line 36 to col. 17, line 33).

8. Referring to claim 4, Ahearn discloses sending component access information to an element management system (network manager), the element management system retrieving network component information from at least one component in the network (col. 16, line 36 to col. 17, line 33);

retrieving the network component information from the element management system (col. 16, line 36 to col. 17, line 33); and

storing the network component information in the permanent database (col. 16, line 36 to col. 17, line 33);

9. Referring to claim 5, Ahearn discloses updating the permanent database based on an automatic event (periodic polling) (col. 8, lines 15-24; col. 16, lines 36-48).

10. Referring to claim 6, Ahearn discloses updating the permanent database based on a manual event (poll on demand) (col. 8, lines 15-24).

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11. Referring to claims 7 and 8, Ahearn discloses a method for network monitoring as stated in the claims above. Ahearn does not disclose storing the new network component information in a temporary database, comparing the temporary and permanent databases, and modifying the permanent database according to comparison rules. However it is suggested by the prior art that it would have been obvious to one of ordinary skill in the art to modify the system of Ahearn and Andersson to provide for a temporary database and modifying the permanent database according to comparison rules to avoid the unnecessarily caveat of modifying the database, which is time consuming in a computer environment, to change a value which has been modified, which when viewed on the network level, is insignificant to the big picture.

12. Claim 17 is rejected for similar reasons as stated above.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Jain et al. (USPN 6,040,834) discloses a customizable user interface for network navigation and management.

15. Rochford et al. (USPN 6,487,604) discloses a route monitoring GUI.

16. Sato et al. (USPN 6,400,689) discloses a network service management apparatus.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
May 1, 2003


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100